IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL (L) NO. 182 OF 2003

WITH

NOTICE OF MOTION NO.1068 OF 2003

The Commissioner of Income Tax,
Delhi-I. .. Appellant

V/s

M/s CIMCO Birla Ltd. .. Respondent

Mr.A.N. Kotangale for the Appellant.

None for the Respondent.

CORAM : H.L. GOKHALE & J.P. DEVADHAR, JJ.

DATE : 22ND AUGUST 2006

P.C. :

1. Heard Mr.Kotangale in support of this Appeal. He fairly states that the issue, which is sought to be raised, is covered in favour of the assessee in **C.I.T. v. Indo Nippon Chemicals Co. Ltd. - 261 I.T.R. 275**. He therefore seeks to withdraw the Appeal. Appeal is allowed to be withdrawn. Refund of court fees as per rules.

2. In view of the withdrawal of the appeal, the motion does not survive and the same stands disposed of.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR J.)